

property was vested in the Plaintiff under said Will and Deed, but became divested upon the happening of a condition subsequent, namely, the failure in carrying out the Will of the testator by the closing of the Orphanage.

3. That he admits the allegations contained in the second, third, fourth and fifth paragraphs of said bill.

4. That your Respondent admits the matters and facts set forth and contained in the sixth paragraph of said bill, and your Respondent further says that there are to his knowledge approximately forty living persons who are related to the said John Loats and who are his heirs at law, descendants and successors and that answers on behalf of the same will be filed in the within matter.

5. Answering the seventh paragraph of said bill, your Respondent, because he is without any knowledge thereof, can neither admit nor deny the allegations contained therein with respect to the formation, conduct and the closing up of said asylum, but does deny the allegation therein contained whereby the complainants seek to have this Honorable Court apply the Cy Pres Doctrine. And further answering said paragraph, your Respondent says that the Uniform Charitable Trusts Administration Act, which is sought to be involved, was not passed by the General Assembly of Maryland until the year 1945, and would have no application to the trust in this case.

6. Answering the eighth paragraph of said bill, your Respondent says that the title to properties described in this bill of complaint vested in him and in the other parties named in the third paragraph of this answer, who are the heirs at law of John Loats, deceased, the testator, upon the closing of said Orphanage, for the reason that the Plaintiff held title to said properties, subject to being divested upon the failure of the trust; and your Respondent further says that the attempt on the part of the Plaintiff now to apply the Cy Pres Doctrine is nugatory and of no avail as the title has already vested as aforementioned and that no cloud upon the title exists as the Plaintiff has no right to attempt any negotiations for the sale of said properties.

7. That your Respondent denies the matters and facts set forth and